

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

SEP 11 2013

DAVID J. MALAND, CLERK
BY
DEPUTY _____

UNITED STATES OF AMERICA

v.

MICHAEL THOMAS

§
§
§
§
§

NO. 4:13CR 227
Judge *Chone*

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

Count One

Violation: 18 U.S.C. §§ 1030(a)(5)(A)
and (c)(4)(B) (Computer-
Related Crime)

Introduction

At all times material to this indictment:

1. ClickMotive was a company located in Plano, Texas, in the Eastern District of Texas. ClickMotive was in the business of providing automotive industry software and was entirely dependent on its network of computer systems.
2. ClickMotive's computer systems were used in and affected interstate commerce and were therefore protected computers.
3. From approximately February 2010 until in or about December 2012, ClickMotive employed the defendant, **Michael Thomas** ("**Thomas**"), as its Information Technology Operations Manager.

4. Between on or about December 2, 2011, and on or about December 5, 2011, in the Eastern District of Texas, **Thomas** attempted to sabotage ClickMotive's computer systems in retaliation for business decisions that ClickMotive had made.

Criminal Conduct

5. Between on or about December 2, 2011, and on or about December 5, 2011, in the Eastern District of Texas and elsewhere, **Thomas** knowingly caused the transmission of 78 separate programs, information, codes, and commands, and as a result of this conduct, intentionally caused damage, without authorization, to one or more of ClickMotive's protected computers, that caused losses to ClickMotive in excess of \$5,000 during a one-year period. These transmissions specifically included the following:

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- a. On or about December 3, 2011, at approximately 11:24 a.m., **Thomas** issued or caused to be issued a command to destroy ClickMotive's backup computer files.
 - b. On or about December 3, 2011, at approximately 5:28 p.m., **Thomas** created or caused to be created an automated job designed to delete 615 files of ClickMotive's backup history; this command was executed at approximately 8:25 p.m. that day and was successful.
 - c. Between on or about December 3, 2011, at approximately 1:03 a.m., and on or about December 4, 2011, at approximately 10:24 p.m., **Thomas** logged on to the ClickMotive internal website used as a resource for ClickMotive employees and deleted the following pages: The page showing how the Virtual Private Network (VPN) is configured and accessed, the page for the Door Access Control System, the page showing ClickMotive's IP address map, the page showing ClickMotive's termination procedures, the pages for Dell and Rackspace, and the page listing the ClickMotive office servers.
 - d. On or about December 4, 2011, between approximately 3:00 p.m. and approximately 3:15 p.m., **Thomas** turned off weekly backups for the primary offset file server, turned off backups for the ClickMotive accounting system, turned off backups for the VMWare monthly backup, turned off daily

backups for the primary offsite file server and turned off backups for the Subversion Repositories.

In violation of 18 U.S.C. §§ 1030(a)(5)(A) and (c)(4)(B).

NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE

Criminal Forfeiture Pursuant to 18 U.S.C. § 982(a)(2)(B)

As a result of committing the offense charged in this indictment, **Thomas** may have acquired property constituting, or derived from, proceeds obtained directly or indirectly. All such proceeds are subject to forfeiture by the government.

A TRUE BILL

SW
GRAND JURY FOREPERSON

JOHN M. BALES
UNITED STATES ATTORNEY

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9/11/13
Date

THOMAS - INDICTMENT

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	§	
v.	§	NO. 4:13CR
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NOTICE OF PENALTY

Count One

Violation: 18 U.S.C. § 1030(a)(5)(A)

Penalty: Not more than ten years imprisonment, a fine not to exceed \$250,000, or not more than the greater of twice the gross gain to the defendant or twice the gross loss to one other than the defendant, or both; supervised release of not more than three years.

Special
Assessment: \$100.00